

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:05cv422**

JOHN M. CHURCH,)
)
 Plaintiff,)
)
 vs.)
)
 WACHOVIA SECURITIES,)
 INC. and WACHOVIA)
 CORPORATION,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte*.

This matter is currently scheduled for trial during the Court's February 17, 2009 trial term. In light of the Court's Order granting the Defendant's Motion for Summary Judgment on Plaintiff's First, Second, Third, and Fourth Claims for Relief, the only claim remaining for trial is the Plaintiff's claim for severance benefits, a claim which is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001, et seq. ("ERISA").

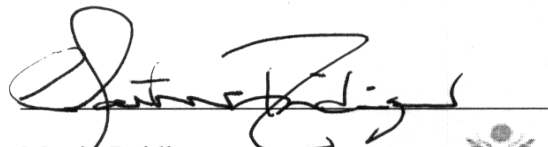
Accordingly, **IT IS, THEREFORE, ORDERED** that on or before **January 9, 2009**, the parties are to advise the Court whether they need to

present evidence on the Plaintiff's ERISA claim or whether such claim can be decided on the record.

In either case, **IT IS FURTHER ORDERED** that the full ERISA record is to be filed with the Court on or before **February 1, 2009**.

IT IS SO ORDERED.

Signed: December 30, 2008


Martin Reidinger
United States District Judge

